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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,066	04/21/2004	Frank Gong	SBL01741	5955
22917	7590	12/31/2009		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER	
			AU, GARY	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			12/31/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,066	<b>Applicant(s)</b> GONG ET AL.	
	<b>Examiner</b> Gary Au	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14, 16-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/23/2009 have been fully considered but they are not persuasive.

In response to the applicant's argument that Halperin fails to disclose "a top cover and a bottom cover defining a common perimeter", the argument is not persuasive, because Halperin teaches a keyboard card (keyboard card 16 - figure 1, col. 2 lines 35-41) wherein the keyboard is a self contained keypad that includes a top cover, keypad component and a bottom cover which forms the keyboard card, thus reading on the claim.

In response to the applicant's argument that Levy fails to teach "over molding along a perimeter defined by a top cover and a bottom cover", the argument is not persuasive, because Levy teaches an over molded portion ([0067], [0070] and [0077]). It would be obvious to modify the over molded portion to fit the design.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3, 5, 11, 12, 14, 16-18, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin) and further in view of US Patent No. 7,042,334 Mosgrove et al. (Mosgrove) and US Patent Publication No. 2004/0217939 Levy et al. (Levy).

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As to claim 1, Halperin teaches a key pad assembly (keyboard card 16 – figure 1, col. 2 lines 35-41) comprising: a top cover placed over a stack of keypad components (keyboard card 16 – figure 1, col. 2 lines 35-41); a bottom cover placed under the stack defining a common perimeter (keyboard card 16 – figure 1, col. 2 lines 35-41); the top cover and the bottom cover to form a self contained key pad unit (keyboard card 16 – figure 1, col. 2 lines 35-41). However, Halperin fails to teach an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit.

In an analogous art, Mosgrove teaches an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit (col. 6 line 65 – col. 7 line 3 and col. 7 line 60 – col. 8 line 7).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Halperin's system to include an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit, as taught by Mosgrove, for the advantage of activating the particular user in accordance with the user's predetermined privileges from the record (col. 7 line 60 – col. 8 line 7).

However, the combined system of Halperin and Mosgrove fails to disclose an over molded portion.

In an analogous art, Levy teaches an over molded portion ([0067], [0070] and [0077]).

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It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include an over molded portion, as taught by Levy, for the advantage of fitting in different devices.

As to claim 11, Halperin teaches a method of fabricating a self contained key pad (keyboard card 16 – figure 1, col. 2 lines 35-41) comprising: sandwiching a plurality of key pad components between a top cover and a bottom cover, the top cover and bottom cover defining a common perimeter (keyboard card 16 – figure 1, col. 2 lines 35-41). However, Halperin fails to teach an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit.

In an analogous art, Mosgrove teaches an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit (col. 6 line 65 – col. 7 line 3 and col. 7 line 60 – col. 8 line 7).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Halperin's system to include an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit, as taught by Mosgrove, for the advantage of activating the particular user in accordance with the user's predetermined privileges from the record (col. 7 line 60 – col. 8 line 7).

However, the combined system of Halperin and Mosgrove fails to disclose an over molded portion.

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In an analogous art, Levy teaches an over molded portion ([0067], [0070] and [0077]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include an over molded portion, as taught by Levy, for the advantage of fitting in different devices.

As to claim 16, Halperin teaches a self contained key pad (keyboard card 16 – figure 1, col. 2 lines 35-41) comprising: a stack (keyboard card 16 – figure 1, col. 2 lines 35-41) comprising: inherently teaches a membrane with a placed thereupon, a printed circuit board positioned beneath the membrane (keyboard card 16 – figure 1, col. 2 lines 35-41, the keyboard assembly has to have a membrane and a printed circuit board); a top cover placed over the stack (keyboard card 16 – figure 1, col. 2 lines 35-41); a bottom cover placed under the stack (keyboard card 16 – figure 1, col. 2 lines 35-41), the top cover and the bottom cover define a common boundary around the stack (keyboard card 16 – figure 1, col. 2 lines 35-41). However, Halperin fails to teach an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit.

In an analogous art, Mosgrove teaches an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit (col. 6 line 65 – col. 7 line 3 and col. 7 line 60 – col. 8 line 7).

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It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Halperin's system to include an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit, as taught by Mosgrove, for the advantage of activating the particular user in accordance with the user's predetermined privileges from the record (col. 7 line 60 – col. 8 line 7).

However, the combined system of Halperin and Mosgrove fails to disclose an over molded portion.

In an analogous art, Levy teaches an over molded portion ([0067], [0070] and [0077]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include an over molded portion, as taught by Levy, for the advantage of fitting in different devices.

As to claims 2, 12 and 21, Halperin teaches the top cover and the bottom sandwich the stack (keyboard card 16 – figure 1, col. 2 lines 35-41).

As to claims 3, 17 and 18, Halperin teaches the top cover and the bottom cover are over molded to create a sealed common boundary (keyboard card 16 – figure 1, col. 2 lines 35-41).



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As to claims 5 and 14, Halperin teaches the flex member provides an electrical connection between the self contained key pad unit and a device that hosts the self contained key pad unit (keyboard card 16 – figure 1, col. 2 lines 35-41).

As to claim 20, Halperin inherently teaches the bottom cover contacts the printed circuit board (keyboard card 16 – figure 1, col. 2 lines 35-41).

As to claims 23 and 24, Halperin teaches the system as described above. However, Halperin fails to teach an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit.

In an analogous art, Mosgrove teaches an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit (col. 6 line 65 – col. 7 line 3 and col. 7 line 60 – col. 8 line 7).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Halperin's system to include an identification component that automatically identifies the key pad to a device that hosts the self contained key pad unit, as taught by Mosgrove, for the advantage of activating the particular user in accordance with the user's predetermined privileges from the record (col. 7 line 60 – col. 8 line 7).

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin), US Patent No. 7,042,334 Mosgrove

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et al. (Mosgrove) and US Patent Publication No. 2004/0217939 Levy et al. (Levy) and further in view of US Patent No. 6,950,680 Kela et al. (Kela).

Considering claim 4, Halperin inherently teaches a printed circuit board and a silicone membrane with a plurality of keys (keyboard card 16 – figure 1, col. 2 lines 35-41, the keyboard assembly has to have a membrane and a printed circuit board). However, the combined system is silent about the stack comprises an electro luminous panel, placed on top of each other.

In an analogous art, Kela teaches the stack comprises an electro luminous panel (28 - figure 3, col. 4 lines 10-33), placed on top of each other (figure 4, col. 3 line 63 – col. 4 line 9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include the stack comprises an electro luminous panel, placed on top of each other, as taught by Kela, for the advantage of assembling a keyboard.

Considering claim 10, the combined system of Halperin and Mosgrove teaches the system as described above. However, the combined system fails to teach an illumination color or a brightness on a surface of the keypad indicates a mode of the key pad.

In an analogous art, Kela teaches an illumination color or a brightness on a surface of the keypad indicates a mode of the key pad (col. 1 lines 19-35).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include an illumination color or a brightness on a surface of the keypad indicates a mode of the key pad, as taught by Kela, for the advantage of notifying the user of the mode of the mobile phone.

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin), US Patent No. 7,042,334 Mosgrove et al. (Mosgrove) and US Patent Publication No. 2004/0217939 Levy et al. (Levy) as applied to claim 1 above, and further in view of US Patent Application No. 2004/0110529 Watanabe et al. (Watanabe).

Considering claims 8 and 13, the combined system of Halperin and Mosgrove teaches the system as described above. However, the combined system fails to teach the bottom cover with a recess that houses a speaker therein.

In an analogous art, Watanabe teaches the bottom cover with a recess that houses a speaker therein (figure 1B and 1C, [0049]).

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It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include the bottom cover with a recess that houses a speaker therein, as taught by Watanabe, for the advantage of assembling a key pad unit.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin), US Patent No. 7,042,334 Mosgrove et al. (Mosgrove) and US Patent Publication No. 2004/0217939 Levy et al. (Levy) as applied to claim 1 above, and further in view of US Patent No. 5,841,857 Zoiss et al. (Zoiss).

Considering claim 7, the combined system of Halperin and Mosgrove teaches the key pad assembly of claim 1 as described above, but fails to disclose a trough.

In an analogous art, Zoiss teaches a trough (col. 4 lines 38-67, col. 5 lines 41-51 and col. 7 lines 37-47).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include a trough, as taught by Zoiss, for the advantage of forming the desiccant-retaining section of the carrier (col. 4 lines 38-53).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin), US Patent No. 7,042,334 Mosgrove et al. (Mosgrove) and US Patent Publication No. 2004/0217939 Levy et al. (Levy) as

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applied to claim 1 above, and further in view of US Patent No. 5,517,683 Collett et al. (Collett).

Considering claim 9, the combined system of Halperin and Mosgrove teaches the key pad assembly of claim 1, but fails to disclose the top cover and bottom cover fabricated from one of polycarbonates, thermoset plastics, and thermoformed plastic.

In an analogous art, Collett teaches the top cover and bottom cover fabricated from polycarbonates (col. 6 lines 17-32).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin and Mosgrove to include the top cover and bottom cover fabricated from polycarbonates, as taught by Collett, for the advantage of higher impact resistance (col. 6 lines 17-32).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,115,616 Halperin et al. (Halperin), US Patent No. 7,042,334 Mosgrove et al. (Mosgrove), US Patent Publication No. 2004/0217939 Levy et al. (Levy) and US Patent No. 6,950,680 Kela et al. (Kela) as applied to claim 18 above, and further in view of US Patent no. 6,785,395 Arneson et al. (Arneson).

As to claim 19, the combined system of Halperin, Mosgrove and Kela teaches the system as described above. However, the combined system fails to teach the speaker is a piezo electric speaker.

In an analogous art, Arneson teaches the speaker is a piezo electric speaker (col. 5 lines 29-46).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Halperin, Mosgrove and Kela to include a piezo electric speaker, as taught by Arneson, for the advantage of a high free-air resonant frequency (col. 1 lines 40-52).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Gary Au/  
Examiner, Art Unit 2617